

## Message Text

CONFIDENTIAL

PAGE 01 USUN N 00215 01 OF 02 221807Z

41

ACTION IO-11

INFO OCT-01 AF-06 EUR-12 ISO-00 IOE-00 ARA-06 EA-07 NEA-10

USIE-00 DHA-02 ACDA-05 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

SSO-00 NSCE-00 INRE-00 /100 W  
----- 103554

O R 221633Z JAN 76

FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 5462

INFO AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY PARIS

AMEMBASSY PRETORIA

AMCONSUL CAPETOWN

C O N F I D E N T I A L SECTION 1 OF 2 USUN 215

CAPETOWN FOR EMBASSY

E.O. 11652: GDS

TAGS: PFOR, UNSC, WA

SUBJ: UNSC MEETING ON NAMIBIA

REF: USUN 153 (NOTAL)

1. A SOMEWHAT REVISED DRAFT RESOLUTION ON NAMIBIA WAS DISCUSSED IN CLOSED MEETING OF COUNCIL FOR NAMIBIA MORNING JANUARY 21, AND WAS BEING DISCUSSED IN CLOSED AFRICAN GROUP MEETING AFTERNOON JANUARY 21. TEXT FOLLOWS PARA 3. WE WILL REPORT AS SOON AS AVAILABLE ANY ADDITIONAL CHANGES COMING FROM AFRICAN GROUP MEETING.

2. FRENCH HAVE PROPOSED TO AFRICAN GROUP CHAIRMAN FOR JANUARY (CISSE/GUINEA) FOLLOWING NEW OP PARA 3, WHICH WOULD REPLACE LATEST OP PARAS 3 AND 4:

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PAGE 02 USUN N 00215 01 OF 02 221807Z

"3. CONDEMNS THE SOUTH AFRICAN MILITARY BUILDUP IN NAMIBA

AND DECLARES THAT THE CONTINUED ILLEGAL OCCUPATION OF NAMIBIA BY SOUTH AFRICA IF ALLOWED TO CONTINUE COULD CREATE CONDITIONS DETRIMENTAL TO THE MAINTENANCE OF PEACE AND SECURITY IN THE REGION;"

FYI: FRENCH-PROPOSED PARA INCORPORATES LANGUAGE FROM OP PARA 9 OF SC RESOLUTION 301. END FYI

3. FOLLOWING IS TEXT OF LATEST DRAFT:

QUOTE  
WORKING PAPER ON NAMIBIA

HAVING CONSIDERED THE STATEMENT BY ..... OF SOUTH WEST AFRICA PEOPLE'S ORGANIZATION (SWAPO);

HAVING HEARD THE STATEMENT BY THE PRESIDENT OF THE UNITED NATIONS COUNCIL FOR NAMIBIA;

RECALLING GENERAL ASSEMBLY RESOLUTION 2145 (XXI) OF 27 OCTOBER 1966, WHICH TERMINATED SOUTH AFRICA'S MANDATE OVER THE TERRITORY OF NAMIBIA, AND RESOLUTION 2248 (S-V) OF 1967, WHICH ESTABLISHED A UNITED NATIONS COUNCIL FOR NAMIBIA, AS WELL AS ALL OTHER SUBSEQUENT RESOLUTIONS ON NAMIBIA, IN PARTICULAR RESOLUTION 3295 (XXIX) OF 13 DECEMBER 1974, AND RESOLUTION 3399 (XXX) OF 26 NOVEMBER 1975;

RECALLING SECURITY COUNCIL RESOLUTIONS 245 (1968) OF 25 JANUARY AND 246 (1968) OF 14 MARCH, 264 (1969) OF 20 MARCH AND 269 (1969) OF 12 AUGUST 1969, 276 (1970) OF 30 JANUARY, 282 (1970) OF 23 JULY, 283 (1970) AND 284 (1970) OF 29 JULY 1970, 300 (1971) OF 12 OCTOBER AND 301 (1971) OF 20 OCTOBER 1971, 310 (1972) OF 4 FEBRUARY 1972, AND 366 (1974) OF 17 DECEMBER 1974.

RECALLING THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 21 JUNE 1971 THAT SOUTH AFRICA IS UNDER OBLIGATION TO WITHDRAW ITS PRESENCE FROM THE TERRITORY,

REAFFIRMING THE LEGAL RESPONSIBILITY OF THE UNITED NATIONS  
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PAGE 03 USUN N 00215 01 OF 02 221807Z

OVER NAMIBIA;

CONCERNED AT SOUTH AFRICA'S CONTINUED ILLEGAL OCCUPATION OF NAMIBIA AND ITS PERSISTENT REFUSAL TO COMPLY WITH RESOLUTIONS AND DECISIONS OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL AS WELL AS THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 21 JUNE 1971.

GRAVELY CONCERNED AT SOUTH AFRICA'S BRUTAL REPRESSION OF THE NAMIBIAN PEOPLE AND ITS PERSISTENT VIOLATION OF THEIR HUMAN RIGHTS AS WELL AS ITS EFFORTS TO DESTROY THE NATIONAL UNITY AND TERRITORIAL INTEGRITY OF NAMIBIA, AND ITS AGGRESSIVE MILITARY BUILD-UP IN THE AREA:

STRONGLY DEPLORING THE MILITARIZATION OF NAMIBIA BY THE ILLEGAL OCCUPATION REGIME OF SOUTH AFRICA,

1. CONDEMNS THE CONTINUED ILLEGAL OCCUPATION OF THE TERRITORY OF NAMIBIA BY SOUTH AFRICA;

2. CONDEMNS THE ILLEGAL AND ARBITRARY APPLICATION BY SOUTH AFRICA OF RACIALLY DISCRIMINATORY AND REPRESSIVE LAWS AND PRACTICES IN NAMIBIA;

3. CONDEMNS THE SOUTH AFRICAN MILITARY BUILD UP IN NAMIBIA AND ITS UTILISATION OF THE TERRITORY AS A BASE FOR ATTACKS ON NEIGHBOURING COUNTRIES AND CONSIDERS THAT THE USE OF NAMIBIA FOR EXTRA TERRITORIAL INCURSIONS INTO NEIGHBOURING COUNTRIES IS A FLAGRANT VIOLATION OF INTERNATIONAL LAW AND CONSTITUTES A SERIOUS THREAT TO PEACE AND SECURITY OF THE AFRICAN CONTINENT:

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PAGE 01 USUN N 00215 02 OF 02 221837Z

42

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INFO OCT-01 AF-06 EUR-12 ISO-00 IOE-00 ARA-06 EA-07 NEA-10

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AMCONSUL CAPETOWN

C O N F I D E N T I A L SECTION 2 OF 2 USUN 215

CAPETOWN FOR EMBASSY

4. DECLARES THAT THE CONTINUED ILLEGAL OCCUPATION OF NAMIBIA BY SOUTH AFRICA IF ALLOWED TO CONTINUE WOULD POSE A THREAT TO INTERNATIONAL PEACE AND SECURITY;

5. DEMANDS THAT SOUTH AFRICA PUT AN END FORTHWITH TO ITS POLICY OF BANTUSTANS AND THE SO-CALLED HOMELANDS AIMED AT VIOLATING THE NATIONAL UNITY AND THE TERRITORIAL INTEGRITY OF NAMIBIA;

6. FURTHER CONDEMNS SOUTH AFRICA'S FAILURE TO COMPLY WITH THE TERMS OF SECURITY COUNCIL RESOLUTION 366 (1974) OF 17 DECEMBER 1974;

7. FURTHER CONDEMNS ATTEMPTS BY SOUTH AFRICA, INCLUDING THE CONVENING OF THE SO-CALLED CONSTITUTIONAL CONFERENCES, CALCULATED TO EVADE THE CLEAR DEMAND OF THE UNITED NATIONS FOR THE HOLDING OF FREE ELECTIONS UNDER UNITED NATIONS  
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PAGE 02 USUN N 00215 02 OF 02 221837Z

SUPERVISION AND CONTROL IN NAMIBIA;

8. DECLARES THAT IN ORDER THAT THE PEOPLE OF NAMIBIA BE ENABLED TO FREELY DETERMINE THEIR OWN FUTURE, IT IS IMPERATIVE THAT FREE ELECTIONS UNDER THE SUPERVISION AND CONTROL OF THE UNITED NATIONS BE HELD FOR THE WHOLE OF NAMIBIA AS ONE POLITICAL ENTITY;

9. FURTHER DECLARES THAT IN DETERMINING THE DATE, TIME-TABLE AND MODALITIES FOR THE ELECTIONS IN ACCORDANCE WITH PARAGRAPH 7 ABOVE, THERE SHALL BE ADEQUATE TIME TO BE DECIDED UPON BY THE SECURITY COUNCIL FOR THE PURPOSES OF ENABLING THE UNITED NATIONS TO ESTABLISH THE NECESSARY MACHINERY WITHIN NAMIBIA TO SUPERVISE AND CONTROL SUCH ELECTIONS AS WELL AS TO ENABLE THE PEOPLE OF NAMIBIA TO ORGANIZE POLITICALLY FOR THE PURPOSE OF SUCH ELECTIONS;

10. DEMANDS THAT SOUTH AFRICA URGENTLY MAKE A SOLEMN DECLARATION ACCEPTING THE FOREGOING PROVISIONS FOR THE HOLDING OF FREE ELECTIONS IN NAMIBIA UNDER UNITED NATIONS' SUPERVISION AND CONTROL, AND UNDERTAKING TO COMPLY WITH THE RESOLUTIONS AND DECISIONS OF THE UNITED NATIONS AND THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 21 JUNE 1971 IN REGARD TO NAMIBIA, AND RECOGNIZING THE TERRITORIAL INTEGRITY AND UNITY OF NAMIBIA AS A NATION.

11. REITERATES ITS DEMAND THAT SOUTH AFRICA TAKE THE NECESSARY STEPS TO EFFECT THE WITHDRAWAL IN ACCORDANCE WITH RESOLUTIONS 264 (1969), 269 (1969) AND 366 (1974), OF ITS ILLEGAL ADMINISTRATION MAINTAINED IN NAMIBIA AND TO TRANSFER POWER TO THE PEOPLE OF NAMIBIA WITH THE ASSISTANCE OF THE UNITED NATIONS;

12. DEMANDS AGAIN THAT SOUTH AFRICA, PENDING THE TRANSFER OF POWERS PROVIDED FOR IN THE PRECEDING PARAGRAPHS:

(1) COMPLY FULLY IN SPIRIT AND IN PRACTICE WITH THE PROVISIONS, OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS;

(B) RELEASE ALL NAMIBIAN POLITICAL PRISONERS, INCLUDING ALL THOSE IMPRISONED OR DETAINED IN CONNEXION WITH OFFENCES UNDER  
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PAGE 03 USUN N 00215 02 OF 02 221837Z

SO-CALLED INTERNAL SECURITY LAWS WHETHER SUCH NAMIBIANS HAVE BEEN CHARGED OR TRIED OR ARE HELD WITHOUT CHARGE AND WHETHER HELD IN NAMIBIA OR SOUTH AFRICA;

(C) ABOLISH THE APPLICATION IN NAMIBIA OF ALL RACIALLY DISCRIMINATORY AND POLITICALLY REPRESSIVE LAWS AND PRACTICES, PARTICULARLY BANTUSTANS AND HOMELANDS;

(D) ACCORD UNCONDITIONALLY TO ALL NAMIBIANS CURRENTLY IN EXILE FOR POLITICAL REASONS FULL FACILITIES FOR RETURN TO THEIR COUNTRY WITHOUT RISK OF ARREST, DETENTION, INTIMIDATION OR IMPRISONMENT;

13. DECIDES TO REMAIN SEIZED OF THE MATTER AND TO MEET ON OR BEFORE ----- 1976 FOR THE PURPOSE OF REVIEWING SOUTH AFRICA'S COMPLIANCE WITH THE TERMS OF THIS RESOLUTION AND, IN THE EVENT OF NON-COMPLIANCE BY SOUTH AFRICA, FOR THE PURPOSE OF CONSIDERING THE APPROPRIATE MEASURE TO BE TAKEN UNDER THE CHARTER.

UNQUOTE  
MOYNIHAN

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## Message Attributes

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